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60,469-253
OT-5210IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Miller, Robin Mihekun
Serial Number: 10/565,382
Filed: 01/20/2006
Group Art Unit: 3654
Examiner: Pico, Eric E.
Title: ELEVATOR ASSEMBLY WITH EXTENDABLE SILL

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Final Office Action mailed on August 6, 2007. Applicant respectfully requests reconsideration of this application.

The objection to the drawings is addressed by the enclosed replacement sheets.

Applicant respectfully traverses the rejections under 35 U.S.C. §103 based upon the proposed combination of *Kato, et al.* and *West* and based upon the proposed combination of *Kato, et al.*, *West* and *Kaneko*. As explained in Applicant's previous response, there are at least three reasons why the proposed combinations cannot be made and there is no *prima facie* case of obviousness.

If one were to attempt to incorporate the truck restraining member 19 of the *West* reference into the elevator arrangement of the *Kato, et al.* reference, that would render the *Kato, et al.* reference unsatisfactory for its intended purpose. The truck restraining member 19 of *West* would interfere with elevator operation because it will not allow for clearance between an

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elevator car and an adjacent hoistway wall as is required in elevator systems such as that in the *Kato* reference. Therefore, the proposed combination cannot be made according to MPEP 2143.01(V). There is no *prima facie* case of obviousness.

Additionally, the Examiner proposes to modify the *Kato* reference in a manner that changes the principle of operation of the reference. The *Kato* reference relies upon elevator door movement for moving the auxiliary sill 14 into a position where it would approach a landing structure. (Consider, for example, Figure 2 in light of Figure 1 and Figure 4 in light of Figure 3.) Changing the *Kato* reference to operate as proposed by the Examiner would change the principle of operation because it would require locking the sill member to the landing structure before opening an elevator door. This proposed modification cannot be made because MPEP 2143.01(VI) does not allow such a modification when attempting to establish a *prima facie* case of obviousness.

Additionally, the *West* reference is non-analogous art and cannot be combined with the *Kato* reference as proposed.

This case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

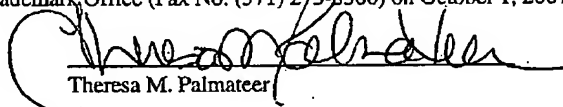
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Dated: October 1, 2007

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10,565,382 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on October 1, 2007.


Theresa M. Palmateer

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